

Minutes of the Special and Regular Meeting of June 26, 2007

One Twin Pines Lane, Belmont, California

SPECIAL MEETINGS

CLOSED SESSION - 6:00 P.M.

- A. Conference with Labor Negotiator, Jack Crist, pursuant to Government Code Section No. 54957.6: AFSCME and MMCEA
- B. Conference with Real Property Negotiator, Jack Crist, pursuant to G.C. Section 54956.8, two properties: 1) APN 045 380 010 and 2) 91 parcels and associated right-of-way and easement consisting of APN 043 020 010, 043 021 380, 043 030 120, 043 030 320—500, 043 042 180, 043 042 580—600, 043 042 630—690, 043 061 290, 043 061 400, 043 061 580—810, 043 062 010, 043 062 160—200, 043 062 480—670, 043 071 010, 043 072 010, 043 072 030, 043 203 042—430, 044 242 040, 043 053 5, and certain right-of-way, being a portion of Lot 24 as designated on the map entitled "Skymont Unit No. 1" in Book 56 of Maps at page 39, concerning price and terms of payment

Attended by Councilmembers Dickenson, Feierbach, Mathewson, Lieberman, Warden, City Manager Crist, City Attorney Zafferano, Human Resources Director Sam (Item A only), Community Development Director de Melo, Police Chief Mattei (Item A only), and Labor Negotiator Fran Buchanan (Item A only), Parks and Recreation Director Politzer (Item B only), and Public Works Director Davis (Item B only). City Clerk Cook was excused from attending.

ADJOURNMENT at this time, being 7:30 P.M.

Terri Cook
City Clerk

This meeting not tape recorded or videotaped.

REGULAR MEETING

CALL TO ORDER 7:40 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Dickenson, Lieberman, Feierbach, Warden, Mathewson

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Crist, City Attorney Zafferano, Community Development Director de Melo, Police Chief Mattei, Finance Director Fil, Human Resources Director Sam, Public Works Director Davis, Parks and Recreation Director Politzer, City Clerk Cook.

REPORT FROM CLOSED SESSION

City Attorney Zafferano stated that direction was given but no action taken during the closed sessions held earlier.

SPECIAL PRESENTATIONS

Proclamation Declaring July as Parks and Recreation Month

Mayor Feierbach read the Proclamation.

Jonathan Gervais, Parks and Recreation Commission Chair, thanked the Council, and noted that the Proclamation is evidence that the City Council cares about park and recreation issues. Well-maintained parks have a positive effect on the economy. He noted that the new on-line registration available for recreation classes comprises nearly half of the registrations. He stated that there are new events forthcoming. The Parks Master Plan was recently updated for the first time in 15 years.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Mayor Feierbach stated that she and several staff members attended the Chamber of Commerce's Ralston Awards dinner, which included the installation of the new Chamber Board. She noted that Ron Denman would be serving an additional year as president. She commented that she is impressed with the Chamber's leadership.

City Clerk Cook announced upcoming candidate seminars being sponsored by the County Elections Office for those interested in being candidates for any office in San Mateo County.

AGENDA AMENDMENTS

Councilmember Mathewson requested the removal of Item 4-E (Resolution Approving the Filing of the Transportation Fund for Clean Air (TFCA) Grant Application for the Ralston Avenue and South Road Round-About Project in the Amount of \$500,000) from the Consent Calendar for separate consideration.

ITEMS APPROVED ON CONSENT CALENDAR

Approval of Minutes of Special and Regular Meeting of May 22, 2007 and Special Meeting of May 29, 2007

Acceptance of Written Communication: 1) Received June 13, 2007, from the PUC, Notification of Application by PG&E for its Forecast 2008 Electric Procurement Costs

Approval of Resolution 9890 Authorizing the City Manager to Execute A Professional Services Agreement with SoftResources, LLC for Preparation of a Technology Master Plan in an Amount not to Exceed \$69,845.00.

Approval of Resolution 9891 Supporting \$1 Billion State Budget Allocation of Proposition 1B Funds to Cities in 2007-08

Approval of Resolution 9892 Authorizing a Contract for City Attorney Services

ACTION: On a motion by Councilmember Dickenson, seconded by Councilmember Warden, the Consent Calendar was unanimously approved by a show of hands.

Councilmember Warden noted that one of the items included the approval of a new contract for Marc Zafferano, the City Attorney. He thanked Mr. Zafferano for his efforts on behalf of the City, and stated he is doing a good job. Council concurred.

ITEM REMOVED FROM CONSENT CALENDAR FOR SEPARATE CONSIDERATION

Resolution Approving the Filing of the Transportation Fund for Clean Air (TFCA) Grant Application for the Ralston Avenue and South Road Round-About Project in the Amount of \$500,000

Public Works Director Davis noted that this action is to approve the filing of a grant application, and the City Council will have final approval before any expenditure of dollars occurs. He noted that the deadline for the grant is imminent.

In response to Councilmember Dickenson, Public Works Director Davis clarified that a grant application to request this money for the Pedestrian/Bike Bridge would not compete favorably.

Councilmember Warden stated that the General Plan addresses traffic improvements on Ralston, and a traffic study may be required before considering a round-about. He would have liked more information prior to being asked to approve this grant application. He expressed concern regarding previous erroneous decisions on traffic controls on other streets.

Public Works Director Davis stated that a study would be conducted. He clarified that the General Plan requires that any widening of Ralston be put to a vote of the people. As part of its conditions of approval, Notre Dame de Namur University is required to pay for any signaling of the intersection of Ralston Avenue and South Road. He noted that a round-about would be more effective.

Councilmember Lieberman stated there is a deadline for this grant application, and he noted the Council has had previous discussions regarding a round-about at this location.

Councilmember Dickenson requested options for planning for future grants, and would like input from other departments regarding implementation of traffic devices.

City Manager Crist noted that the grant application can always be pulled if it is later determined not to be desirable to pursue it any further. All the planning steps for a round-about will be followed.

Councilmember Mathewson noted that this information has been presented at the last minute. He noted that other Council decisions that were based on last-minute information later proved to be problematic.

Mayor Feierbach stated she supports roundabouts in general, and is willing to implement this one on a trial basis.

ACTION: On a motion by Councilmember Lieberman, seconded by Councilmember Dickenson, Resolution 9893 was approved by a roll call vote (4-1, Mathewson no).

Reconvene Continued Public Hearings for the Belmont Fire Protection District and Redevelopment Agency and Convene Continued Public Hearing for City of Belmont to consider proposed budget for Fiscal Year 2006-07

Finance Director Fil noted that staff has resolved issues with the Assessor's Office regarding additional revenue that will be forthcoming to the Redevelopment Agency. He explained the Gann Limit, and reviewed the proposed Master Fee schedule increases. He noted that a comprehensive update of fees would be forthcoming. He stated that sewer fees are now subject to Proposition 218 regulations, and a hearing would be held on July 24th to address those fees.

Finance Director Fil stated that there are no increases being proposed for solid waste collection, as those were addressed in a multi-year schedule, which is already in place.

He reviewed the Budget assumptions and noted that the General Fund is balanced as presented. He reviewed the seven-year forecast and trends. He noted although the budget is slightly short of the 20 percent target, reserves are within reason. He clarified that one incorrect assumption could account for the shortfall. Staff will propose to refinance the debt for the Redevelopment Agency.

Finance Director Fil noted that the Finance Commission has reviewed the Budget and unanimously recommended adoption as presented. He reviewed the Council actions that are necessary to approve the Budget.

Councilmember Mathewson noted that the Finance Commission Question and Answer document was helpful to have.

Mayor Feierbach opened the Public Hearing. No one came forward to speak.

ACTION: On a motion by Councilmember Mathewson, seconded by Councilmember Dickenson, the Public Hearing was unanimously closed by a show of hands.

Mayor Feierbach expressed concern that City-owned art studios do not have different rates for non-Belmont tenants. She recommended a differential for future leases, and would propose new management of the facilities.

Councilmember Mathewson stated this should be addressed sooner rather than later. Councilmember Dickenson concurred, and commented that rentals should cover maintenance costs.

Council concurred to schedule a near-future study session to address this issue.

ACTION: On a motion by Director Warden, seconded by Director Dickenson, Belmont Fire Protection District Resolution 2007-7 Approving the FY 2008 Budget was unanimously approved by a show of hands.

ACTION: On a motion by Director Warden, seconded by Director Dickenson, Belmont Fire Protection District Resolution 2007-8 Establishing the FY 2008 Appropriation Limit was unanimously approved by a show of hands.

ACTION: On a motion by Director Mathewson, seconded by Director Lieberman, Redevelopment Agency Resolution 454 Approving the FY 2008 Budget was unanimously approved by a show of hands.

ACTION: On a motion by Councilmember Mathewson, seconded by Councilmember Lieberman, City Council Resolution 9894 Approving the FY 2008 Budget was unanimously approved by a show of hands.

ACTION: On a motion by Councilmember Lieberman, seconded by Councilmember Mathewson, City Council Resolution 9895 Establishing the FY 2008 Appropriation Limit was unanimously approved by a show of hands.

ACTION: On a motion by Councilmember Lieberman, seconded by Councilmember Mathewson, City Council Resolution 9896 Approving FY 2008 Master Fee Schedule was unanimously approved by a show of hands.

ACTION: On a motion by Councilmember Dickenson, seconded by Councilmember Mathewson, City Council Resolution 9897 Setting Solid Waste Collection Fees for FY 2008 was unanimously approved by a show of hands.

ACTION: On a motion by Councilmember Dickenson, seconded by Councilmember Mathewson, City Council Resolution 9898 Establishing the Annual Special Tax for Community Facilities District No. 2000-1 (Belmont Library) for FY 2008 was unanimously approved by a show of hands.

At this time, being 8:30 P.M., the Belmont Fire Protection District and Redevelopment Agency Meetings were adjourned.

Continued Public Hearing to Consider a Resolution Approving Collection of Basic and Additional Charges by the San Mateo County Flood Control District to Fund the FY08 Countywide National Pollutant Discharge Elimination System General Program (NPDES) and Election to have Charges Collected on the Tax Roll

Public Works Director Davis noted this is the fee that funds the County's NPDES program, and the new fee represents a 1.4 percent increase.

Councilmember Dickenson stated that many businesses are inappropriately dumping waste into the storm drains, and there should be a mechanism to address this.

Mayor Feierbach opened the Public Hearing. No one came forward to speak.

ACTION: On a motion by Councilmember Mathewson, seconded by Councilmember Dickenson, the Public Hearing was unanimously closed by a show of hands.

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Lieberman, Resolution 9899 Approving Collection of Basic and Additional Charges by the San Mateo County Flood Control District to Fund the FY08 Countywide National Pollutant Discharge Elimination System General Program (NPDES) and Election to have Charges Collected on the Tax Roll was unanimously approved by a show of hands.

Continued Public Hearing to Consider a Resolution Approving City of Belmont FY08 National Pollutant Discharge Elimination System (NPDES) Charges and Election to have Charges Collected on the Tax Roll

Public Works Director Davis stated that this fee funds Belmont's NPDES program, and there is no change proposed to the amount.

Mayor Feierbach opened the Public Hearing. No one came forward to speak.

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Dickenson, the Public Hearing was unanimously closed by a show of hands.

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Lieberman, Resolution 9900 Approving City of Belmont FY08 National Pollutant Discharge Elimination System (NPDES) Charges and Election to have Charges Collected on the Tax Roll was unanimously approved by a show of hands.

NEW BUSINESS

Mayor Feierbach stated there is a request to take the item regarding taser gun deployment out of order on the agenda.

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Dickenson, and unanimously approved by a show of hands to take Item 7-C (Report on Planned Expansion of Taser Deployment by Belmont Police Officers) out of order under New Business.

Report on Planned Expansion of Taser Deployment by Belmont Police Officers

Police Chief Mattei stated that it is important that police officers have the necessary tools to keep the community safe, and that nothing they do is intended to endanger the community. The existing taser

guns have been used only three times in the past three years. The internal policy regarding their use has been updated, and there has been extensive training. He clarified that there is always some risk with any actions taken by police officers in the field. The proposal is to issue taser guns to all officers, not just to supervisors, which is the current practice.

Police Corporal DeSmidt outlined the history of taser guns and their predecessors, and noted that the use of such devices began in 1985. Taser guns are useful tools, and Belmont has not experienced any injuries as a result of their use. He reviewed the training requirements, and noted that the use of tasers has its own policy and training manual. He commented that the deployment of tasers has made it unnecessary to use deadly force in several instances.

Officer Cristman explained the details on how taser guns operate and what it does to the human body when deployed.

In response to Council, Corporal DeSmidt stated that no officer needed to use his firearm in the past three years. He commented that because only supervisors have had access to tasers, other officers have experienced injuries because of the need to use other kinds of force. The presence of a taser gun is often a deterrent for suspects who eventually surrender rather than have the taser gun deployed.

Mayor Feierbach expressed support for the expanded use of tasers, but requested a future report to update the Council. Councilmember Lieberman concurred, and recommended reporting annually.

RECESS: 8:55 P.M.

RECONVENE: 9:00 P.M.

Report on Conditions, Planning, and Funding for Sewers and Storm Drains

Public Works Director Davis described Belmont's sewer collection system and noted the age of the pipes in the various neighborhoods. He reviewed the rehabilitation of the system that has taken place over the past 15 years. He then described Belmont's storm, creek, pipe and pump station system, and outlined the capital improvements that have been made over the past ten years.

Public Works Director Davis noted the location of inflow monitors. He outlined some of the issues related to private sewer laterals, and described the process of using smoke detection to pinpoint problems in the system. He outlined suggested recommendations to address these issues through resale requirements or remodeling permits. He noted that owners are currently required to provide a video of the system if they are performing major renovation on their homes. He reviewed the age of the corrugated metal pipe system and provided examples of how infiltration occurs.

Public Works Director Davis reviewed the goals of the sewer capital program. He noted that the estimated cost for the next five years is \$7.6 million, and \$7.4 million worth of projects are budgeted. He also outlined the 25-year capital needs, and reviewed the projected needs for storm drain improvements.

John Farnkopf, Hilton, Farnkopf & Hopson consultant, provided a project funding overview, reviewed the projects completed to date, and outlined the projected needs. He described Proposition 218 requirements regarding increasing sewer rates, and noted the protest hearing would be held on July 24th. The projected rate increase and project revenues assume that new sewer bonds would be issued in 2009. He outlined the current and proposed charges, and noted that low-strength users of the system would likely experience a decrease in costs, even with the proposed rate increase, since they have reduced their water use.

In response to Mayor Feierbach, Mr. Farnkopf clarified that an assessment district could be formed to address revenue needs. He noted that this is usually based on surface area and the type of runoff it produces, not the number of dwelling units. He further clarified that the size of a home does not change the amount of runoff on the same-sized lot with a larger home.

Public Works Director Davis noted that the fees do not include capital needs for the South Bayside Systems Authority (SBSA).

Councilmember Mathewson expressed concern about the reliability of the projected five-year rates. Public Works Director Davis clarified that rate increases are based on capital needs, over which the Council has control. Mr. Farnkopf responded that if a pay-as-you-go methodology is used, the rates would be higher. He noted that the previous variance in rate recommendations was due to incorrect data, economic changes, and changes in water usage.

Public Works Director Davis noted that the majority of sewer lateral failures are of clay pipe construction, and repairs cost into the thousands of dollars.

Finance Director Fil recommended that infiltration repairs be funded from the storm water fund. He also recommended a 75 percent operating fund reserve and a 12 percent rate increase effective July of 2007.

Councilmember Dickenson stated there is a need to look at options for the City to fund sewer lateral repairs. Public Works Director Davis noted that for the past 30 years, this has been the responsibility of the adjacent property owner. He clarified there have been times when the City has replaced the lateral, but not in the past five years.

Councilmember Warden stated that rates have increased 80 percent over the past seven years and are projected to increase 50 percent over the next five. He is concerned about SBSA's future capital needs, and is concerned regarding pre-Proposition 13 taxpayers who are on fixed incomes. He noted that no assumptions have been provided for the years between 2012 and 2022. There is a need to address the worse areas.

Councilmember Lieberman stated that there are few options regarding the need for rate increases. Belmont has an aging system, and failures of that system are very expensive. It is advantageous to fix things quickly to avoid a higher cost later on.

Councilmember Mathewson noted that proposed rates are not out of line with the rest of the County. He concurs with the recommended operating reserve of 75 percent as a safety valve. He stated he reluctantly concurs with the need for a 12 percent rate increase, and three percent of that is dedicated to contingencies. Increases in previous years may not have been high enough.

Councilmember Dickenson stated it is difficult to compare Belmont with other cities, since their programs are unknown. He stated he cannot support a 12 percent increase.

Mr. Farnkopf responded that this Council is in the position of having to deal with this issue at the end of the life of the system. If repairs are deferred, costs will be even higher later.

Public Works Director Davis stated that strategy is an important consideration. The in-house video program has been a good tool in helping to fine-tune projects. He assured the Council that the worse areas are being addressed. He noted that visual inspections are being made on site, and that staff was not just looking at charts to determine the next project.

Discussion ensued regarding additional public noticing for the sewer rate protest hearing to be held on July 24th.

Councilmember Lieberman noted that the multi-year trash rates start high and are lower in subsequent years, thereby being front loaded. The proposed sewer rates are outlined in a more manageable fashion, as the increase for the first year is not proposed to be 25 percent.

Mayor Feierbach stated that the protest process is in place. She noted she was asked to sign a letter to exempt storm drain fees from Proposition 218 requirements, but she would not sign it, as taxpayers should be voting on this issue. She supports the proposed 12 percent increase.

Councilmember Mathewson stated that better communication of the information to rate payers would make a difference.

Resolution Adopting the Policy of Maintaining Sewer Mainlines and Responding to Emergency Sewer Call Outs

Public Works Director Davis stated that concerns have been expressed regarding the current policy that homeowners are responsible for private sewer lateral repairs. He noted this issue is defined in the Municipal Code. He clarified that the City responds to all sewer calls and will often perform a cleanout as a courtesy. If the City is called to the same home twice in one year, the owner is notified that they need to address the issue themselves. The City will also provide a video of the system at no charge, but the owner needs to correct the problem.

Mayor Feierbach noted that if the City were to take on the repair costs, it would take money away from critical projects.

Councilmember Dickenson expressed support for budgeting some money for sewer lateral repairs in the right-of-way. He cannot support the policy as presented.

Councilmember Lieberman suggested including verbiage in the policy that the City will bill the owner if the City performs the repair.

Councilmember Warden expressed concern for adding the cost of video requirement at point of sale of a home, and recommended leveraging the use of the City's video services at a cost-recovery rate if it is to be required. He also noted that some plumbers will not work on laterals that are located in the public right-of-way. Public Works Director Davis responded that sometimes there is a challenge in determining where the right-of-way is on narrow streets.

Mayor Feierbach stated she would like more time to address this issue. Public Works Director Davis clarified there is no urgency on this item. Councilmember Warden requested information regarding the policy of other cities.

Council concurred to leave the policy in place as it is.

MEETING EXTENSION: At this time, being 10:30 P.M., on a motion by Councilmember Mathewson, seconded by Councilmember Warden, the meeting was unanimously extended for 30 minutes by a show of hands.

MATTERS OF COUNCIL INTEREST/CLARIFICATION

Consideration of a Construction Time Limit Ordinance (Feierbach)

Mayor Feierbach stated that in some cases, construction projects last for extended periods of time, and in one case, it has been ongoing for 20 years. She would like Council to consider an ordinance which would set out time limits.

Community Development Director de Melo noted that other cities have limits based on scope and size of the project. He stated that currently there is no time limit, as long as the applicant has made progress, even if minor, at the time of each six-month inspection.

Council concurred to place this on a future agenda for consideration.

ADJOURNMENT at this time, being 10:35 P.M.

Terri Cook

City Clerk

Council Meeting Tape Recorded and Videotaped
Audio Recording 669